



U.S. Department of Justice

*United States Attorney
Southern District of New York*

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June 4, 2025

By ECF

Hon. Naomi Reice Buchwald
United States District Judge
Southern District of New York
500 Pearl Street
New York, New York 10007

Re: *Chung v. Trump*, 25-cv-2412 (NRB)

Dear Judge Buchwald:

This Office represents the government in the above-referenced matter. At the hearing held on May 29, 2025, the Court asked whether U.S. Immigration and Customs Enforcement (“ICE”) would agree to serve a Notice to Appear (“NTA”) on Yunseo Chung’s counsel rather than through personal service effectuated after an arrest.¹ The answer is no. ICE has broad discretion over actions and decisions to conduct arrests and initiate removal proceedings, including the manner in which it serves an NTA. Separately, the Court had asked for a copy of Chung’s NTA. ICE has confirmed that an NTA has not yet been issued for Chung, as ICE typically issues and serves the NTA during processing that occurs after an arrest is made.

We thank the Court for its consideration of this submission.

¹ While the Department of Homeland Security (“DHS”) is required to serve the NTA on the alien, *see* 8 U.S.C. § 1229(a)(1), that act alone does not commence removal proceedings. Rather, the commencement of removal proceedings occurs when DHS files the NTA with the immigration court. *See* 8 C.F.R. § 1003.14(a) (“Jurisdiction vests, and proceedings before an Immigration Judge commence, when a charging document is filed with the Immigration Court by [DHS].”); *see also* 8 C.F.R. § 1239.1 (“Every removal proceeding . . . is commenced by the filing of a notice to appear with the immigration court.”); *Banegas Gomez v. Barr*, 922 F.3d 101, 111 (2d Cir. 2019).

Respectfully submitted,

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cc: Counsel of Record (by ECF)